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January 8, 2016

Honorable Charles R. Breyer, United States District Judge
United States District Court for the Northern District of California
Phillip Burton Federal Building
450 Golden Gate Avenue
San Francisco, CA 94102

Re: *In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, And Products Liability Litigation*, MDL NO. 2672 CRB (JSC)

Dear Judge Breyer:

Pursuant to this Court's order dated December 22, 2015 this letter will serve as the application of Jayne Conroy of the firm Simmons Hanly Conroy ("SHC"), for a leadership position in *In re: Volkswagen "Clean Diesel" Marketing, Sales Practices and Products Liability Litigation*. As described below, Ms. Conroy is exceptionally qualified to serve this Court in light of her long experience in many high-profile mass tort cases and her continued selection by federal courts to fulfill leadership roles in complex mass torts and class actions. In addition, with approximately 70 lawyers and offices in New York, California, Missouri and Illinois, SHC can bring the necessary resources to a case that may be both complicated and expensive to litigate. The Court has identified eight criteria that it will consider in reviewing applications. Each is addressed in turn.

Professional Experience: Ms. Conroy has extensive experience with complex litigation over more than two decades. She has been appointed to numerous MDL leadership positions since 2005, when this Court appointed her as State/Federal Liaison Counsel, Trial Counsel and a member of the Fee Committee upon resolution in *In re: Bextra and Celebrex Products Liability Litigation*, MDL 1699 (N.D. Cal.). Of more recent significance is Ms. Conroy's prior service on the Lead Counsel Committee for Economic Loss in *In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Product Liability Litigation*, MDL 2151 (C.D. Cal.). She was later selected to be Allocation Counsel for Manifestation States in connection with the settlement in that case. Ms. Conroy was the only woman on the Lead Counsel Committee for Economic Loss, providing important leadership and diversity representation for women lawyers and clients in that case. The *Toyota* case was only one of many high-profile, complex cases in which Ms. Conroy and her law firm (previously known as Hanly Conroy Bierstein Sheridan Fisher & Hayes LLP ("HC")) have played or currently play a significant leadership role. Ms. Conroy currently serves on the Plaintiffs' Executive Committee ("PEC") in *In re: DePuy Orthopaedics, Inc. Pinnacle Hip Implant Products Liability Litigation* (N.D. Tex.), and on the Plaintiffs' Executive Committee in *In re Syngenta AG MIR162 Corn Litigation* (D. Kan.). She

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previously served on the PSS in *In re Actos Products Liability Litigation*, MDL 2299 (W.D. La. 2012). (A complete list of Ms. Conroy's career MDL appointments are shown in her CV, which is provided as Exhibit A). Ms. Conroy's clients have been well-served over the years as she has navigated efficiently and effectively through the complexities and surprises of multi-district litigation, starting with her very first MDL appointment by this Court in *Bextra*.

Contact Information for Judges: In connection with the matters discussed above, Ms. Conroy has appeared before the following judges (in addition, of course, to Your Honor):

- Hon. Ed Kinkeade, MDL 2244 (*Pinnacle Hip Implant*) (N.D. Tex.), (214) 753-2720, kinkeade_orders@txnd.uscourts.gov
- Hon. John W. Lungstrum, MDL 2591 (*Syngenta*) (D. Kan.), (913) 735-2320, ksd_lungstrum_chambers@ksd.uscourts.gov
- Hon. James V. Selna, MDL 2151 (*Toyota*) (C.D. Cal.), (714) 338-2848, JVS_ToyotaMDL@cacd.uscourts.gov
- Hon. Rebecca F. Doherty, MDL 2299 (*Actos*) (W.D. La. 2012), (337) 593-5050 (no published email address)

Willingness and Ability to Immediately Commit to Time-Consuming Litigation: Ms. Conroy has demonstrated her willingness and ability to commit to time-consuming multidistrict litigations as evidenced by her dedication to the multi-district litigation process over the past decade and the progressively increasing responsibilities she has accepted in each litigation. Ms. Conroy is familiar with the demands of such cases and can represent to the Court that she is fully able to take on whatever level of responsibility this Court deems appropriate. Although the *Pinnacle* case has consumed substantial amounts of time in the past year, discovery in the case is now complete and the consolidated trial of five bellwether plaintiffs began January 6, 2016. Ms. Conroy is not lead trial counsel, and in any event the trial is expected to be completed by late February. Ms. Conroy's *Pinnacle* responsibilities thus present no impediment to the commitment and dedication she brings to this case.

Willingness and Ability to Work Cooperatively with Others: The number of PEC and PSC appointments that Ms. Conroy has received in the past several years demonstrates a recognition both among her colleagues and by the bench of her willingness and ability to work cooperatively with others. She has served in varying capacities – steering committee, executive committee, liaison, committee chair – as the needs of the case and her co-counsel have required. Her reputation for collegiality and exceptional skill and performance is reflected in the increasing demand for her participation in large multidistrict litigations. Ms. Conroy considers each appointment a testament to her ability to work well with others and bring value to the case and her clients. A list of the counsel who support Ms. Conroy's application for lead or steering committee member is provided as Exhibit B.

Access to Resources: Renamed following the merger of HC with the Illinois-based Simmons Browder Gianaris Angelides & Barnerd LLC, SHC brings unparalleled depth,

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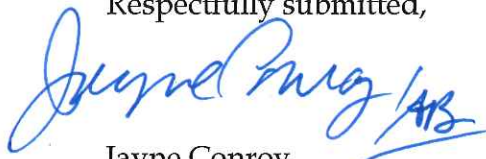
experience, and resources, both in terms of personnel and nearly unlimited financial resources to this case. With approximately 70 lawyers and total staff of more than 225, the firm has offices on both coasts, as well as in the Midwest, where it is headquartered. The firm handles cases only on a contingent-fee basis, and focuses its practice on asbestos personal injury cases, pharmaceutical and other similar mass torts, consumer fraud class actions, antitrust cases, and other complex plaintiffs' side litigation. As described above, not just Ms. Conroy but other lawyers at SHC as well have substantial experience, including leadership experience, in complex multidistrict litigations, allowing for depth in staffing as needed. SHC will be able to devote the necessary personnel to this case, and its significant and substantial income means that it will have no problem advancing significant expenses in this case.

Willingness to Serve as Lead Counsel or member of the Steering Committee: Ms. Conroy is willing to serve at the pleasure of the Court in either a lead counsel position, steering committee member or in any other Court-designated role.

Category of Plaintiff: Ms. Conroy's particular focus in this litigation is the representation of non-VW dealership claimants. This category of plaintiffs, while in no conflict with consumer claimants or VW dealerships, needs a separate voice with respect to its claims. The liability discovery will be essentially the same, but the damage models as compared to consumers is distinct and will benefit from coordination with all plaintiff categories. Ms. Conroy is counsel of record in the *Carriage Chevrolet, Inc. v. Volkswagen of America Group, Inc., et al.* action filed on December 23, 2015 and pending in the United States District Court for the Eastern District of Tennessee and the *Windham Motor Company, Inc. v. Volkswagen of America Group, Inc., et al.* action filed on December 23, 2015 and pending in the United States District Court for the Southern District of Alabama. Conditional Transfer Orders were entered by the JPML on January 5, 2016, and these actions are awaiting transfer to this Court on January 12, 2016.

Other Considerations: This litigation is significant and complicated with the expectation of the most sophisticated electronic discovery disputes, the development of varying economic damage models, international discovery challenges, and limited fund possibilities, to name a few. In addition to her deep involvement in discovery, depositions, briefing and argument, trial, settlement negotiation and the administrative details necessary to oversee global settlement proceedings, Ms. Conroy, prior to moving to a plaintiffs-only practice in 2002, was national and coordinating trial counsel for a Fortune 100 automotive company. This prior experience included the oversight, trial and settlement of tens of thousands of product liability cases pending throughout the country. The company ultimately filed for bankruptcy protection in 2001. This defense background has given Ms. Conroy a unique perspective with respect to the varying interests and conflicts inherent in any mass litigation.

Respectfully submitted,



Jayne Conroy